



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 10, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: FISHER BROTHERS LAS VEGAS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
RQR-41171	Staff recommends DENIAL, subject to conditions:	N/A

** CONDITIONS **

RQR-41171 CONDITIONS

Planning

1. Conformance to the approved conditions for Special Use Permit (U-0168-92).
2. This Special Use Permit shall be reviewed in three (3) years, at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.
3. The sign faces shall be reduced within 30 days of final approval to comply with the 14-foot by 48-foot size approved by Special Use Permit (U-0168-92)
4. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.
5. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.
6. If the existing Off-Premise Sign is voluntarily demolished, this Special Use Permit shall be expunged and a new Off-Premise Sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

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7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Required Three-Year Review of an approved Special Use Permit (U-0168-92), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 2900 Sirius Avenue. This is the fourth Required Review since the initial approval of the Special Use Permit (U-0168-92). The Off-Premise Sign meets all provisions of Title 19 and conditions in the area have not changed significantly since the previous approval. However, one sign face has been enlarged without the required entitlements or permits and exceeds the approved dimensions of 14 feet by 48 feet. Therefore, staff is recommended denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/18/74	The Board of City Commissioners approved a Rezoning (Z-0056-74) from R-E (Residence Estates) to M (Industrial) on a property located north of Sirius Avenue between Interstate 15 and Rigel Avenue. The Planning Commission recommended approval.
11/22/83	The Planning Commission approved a Plot Plan Review [Z-0056-74(1)] to allow construction of a family entertainment complex to consist of two 18-hole miniature golf courses, a 50-game video arcade, a four flumed tubular water side, a two-flumed speed water slide, a nine-cage soft and hardball batting tent, a two-man and four-man “hi-ball” game, assorted kiddie rides including a “ball-crawl” and a central fast-food eatery on nine acres of land on property generally located on Rancho Road, between Sirius Avenue and Meade Avenue.
09/12/92	The City Council approved the Special Use Permit (U-0168-92) to allow a 40-foot tall, 14-foot by 48-foot Off Premise Sign on a property located at 2900 Sirius Avenue. The Board of Zoning Adjustment and staff recommended approval.
06/15/94	The City Council approved a Variance (V-0058-94) to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Sign to be located 600 feet from another Off-Premise Sign where 750 feet is required at 2900 Sirius Avenue. The Board of Zoning Adjustment recommended approval, whereas the Planning Department staff recommended denial.
11/10/97	The City Council approved a Required Five Year Review [U-0168-92 (1)] of an approved Special Use Permit (U-0168-92), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 2900 Sirius Avenue. The Planning Commission and staff recommended approval.

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02/19/03	The City Council approved a Required Five Year Review (RQR-1143) of an approved Special Use Permit (U-0168-92), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 2900 Sirius Avenue. The Planning Commission and staff recommended approval.
11/03/04	The City Council approved a General Plan Amendment (GPA-5097) to amend a portion of the Southeast Sector Plan of the General Plan from LI/R (Light Industrial/Research) to SC (Service Commercial) at the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission and staff recommended approval.
	The City Council approved related Rezoning (ZON-5103) from M (Industrial) to C-1 (Limited Commercial) on a property to the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission and staff recommended approval. The entitlement has expired as of 11/03/07.
	The City Council approved related Special Use Permit (SUP-5107) and Site Development Plan Review (SDR-5104) for a 50-story Mixed-Use Condominium project with 20,000 square feet of Retail uses adjacent to the northwest corner of Rancho Road and Sirius Avenue. The Planning Commission and staff recommended approval. This entitlement has expired as of 11/03/07.
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial; Mixed Use, Industrial, or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan Area and within the proposed Redevelopment Plan Expansion Area, which included the subject sites. The Planning Commission and staff recommended approval.
10/04/06	The City Council approved a request for an Extension of Time (EOT-16028) of an approved Rezoning (ZON-5103) from M (Industrial) to C-1 (Limited Commercial) on 5.25 acres adjacent to the northwest corner of Rancho Drive and Sirius Avenue. The Planning Department staff recommended approval. This entitlement has expired as of 11/03/07.
	The City Council approved a request for an Extension of Time (EOT-16026) of an approved Special Use Permit (SUP-5107) that allowed a 50-story, 560-foot tall Mixed-Use development on 5.25 acres adjacent to the northwest corner of Rancho Drive and Sirius Avenue. Planning Department staff recommended approval. This entitlement has expired as of 11/03/07.
	The City Council approved a request for an Extension of Time (EOT-16027) of an approved Site Development Plan Review (SDR-5104) that allowed a 50-story, 560-foot tall Mixed-Use Development containing 700 residential units and 20,000 square feet of Retail use on 5.25 acres adjacent to the northwest corner of Rancho Drive and Sirius Avenue. The Planning Department staff recommended approval. This entitlement has expired as of 11/03/07.

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05/07/08	The City Council approved a Required Review (RQR-26324) of an approved Special Use Permit (U-0168-92) which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 2900 Sirius Avenue. The Planning Commission and staff recommended approval.
01/07/09	The City Council approved a Required Review (RQR-30584) of a previously approved Variance (V-0058-94) to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 600 feet from another Off-Premise Sign where 750 feet is the minimum separation required at 2900 Sirius Avenue. The Planning Commission and staff recommended approval.
01/25/11	The Planning Commission approved the request for a Site Development Plan Review (SDR-40437) for a Commercial Recreation/Amusement (Outdoor) Facility with waivers of all development and landscape requirements on 9.27 acres at 3012 South Rancho Drive and 2900 Sirius Avenue. The Planning Development staff recommended approval.

<i>Most Recent Change of Ownership</i>	
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09/07/05	A deed was recorded for a change in ownership.
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<i>Related Building Permits/Business Licenses</i>	
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08/04/94	A building permit (#94342863) was issued to relocate an existing sign to the northeast corner on the property located at 2900 Sirius Avenue (U-0168-92). The permit was finalized on 03/06/95.
08/11/94	A building permit (#94343626) was issued for an Off-Premise Sign located at the southeast corner on the property located at 2900 Sirius Avenue (V-0058-94). The permit was finalized on 09/21/94.

<i>Pre-Application Meeting</i>	
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A pre-application meeting is not required, nor was one held.	
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<i>Neighborhood Meeting</i>	
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A neighborhood meeting is not required, nor was one held.	
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<i>Field Check</i>	
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03/31/11	A field check was conducted by staff, where it was noted one sign face has been enlarged.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.39

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Vacant	SC (Service Commercial)	M (Industrial)
North	Office/Retail	C (Commercial)	M (Industrial)
South	Vacant	C (Commercial)	C-1 (Limited Commercial)
East	I-15	ROW (Right-of-Way)	ROW (Right-of-Way)
West	Retail	LI/R (Light Industry/Research)	M (Industrial)
	Auto Repair Garage, Major		

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per sign standards contained in Title 19.14:

Standards	<i>Code Requirement</i>	<i>Provided</i>	<i>Compliance</i>
Location	No Off-Premise Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Not within Exclusionary Zone or Public Right-of-Way.	Yes

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Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Zoned M (Industrial)	Yes
Area	No Off-Premise Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	One sign face has been enlarged and exceeds 672 square feet.	No
Height	No higher than 40 feet from grade at the point of construction	40 feet	Yes
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	No additional screening is necessary.	Yes
Off-Premise Sign	At least 750 feet to another Off Premise Sign	There is another billboard on the subject site, approximately 575 feet to the North.	Yes*
Off-Premise Sign	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	Nearest residential is over 1350 feet away	Yes
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The sign is a free standing sign on a presently undeveloped parcel.	Yes

**Per approved Variance (V-0058-94), allowed for an Off Premise Sign to be located within 600 feet from another Off Premise sign where a 750 distance separation was required.*

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<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Rancho Drive	Secondary Collector	Master Plan of Streets and Highways	80	Y
Sirius Avenue	N/A	N/A	60	N/A
Rigel Avenue	N/A	N/A	60	N/A
Meade Avenue	N/A	N/A	60	N/A

ANALYSIS

This is the fourth review of the subject Off-Premise Sign located at 2900 Sirius Avenue. The subject site is located within the Airport Overlay District, with a 175-foot height restriction. The existing Off-Premise Sign was approved for a height of 40 feet. The Off-Premise Sign is located within the vacant property. A field check was conducted by staff on March 31, 2011 and has observed one sign face has been enlarged.

FINDINGS (RQR-41171)

The subject sign conforms to the requirements of Title 19, conditions of approved of Special Use Permit (U-0168-92) and conditions in the area have not changed significantly since approval of the Special Use Permit. However, one sign face has been enlarged without the required entitlements or permits and exceeds the approved dimensions of 14 feet by 48 feet; therefore, staff recommends denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 67

APPROVALS 0

PROTESTS 0